

RESPONSE TO OFFICE ACTION OF SEPTEMBER 27, 2002
U.S. PATENT APPLICATION SERIAL NO. 09/488,924
ATTORNEY DOCKET No. 53470.000046

REMARKS

THE ELECTION RESTRICTION REQUIREMENT

On page 2 of the Office Action, the Examiner asserts that the present application contains claims directed to two patentably distinct inventions: one invention covered by claims 1-27 drawn to a system for delivering personalized informational content to subscribers; and another invention covered by claims 28-51 drawn to a method for delivering personalized information content to subscribers.

Applicants hereby confirm Mr. Buroker's telephone election of claims 1-27. Applicants also respectfully request that claims 28-51 be rejoined once claims 1-27 are indicated as allowable as provided in MPEP § 821.04.

**CONSIDERATION OF SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENTS FILED MAY 13 AND 22, 2003 AND THE ADDITIONAL
SUPPLEMENTAL INFORMATION DISCLOSURE SUBMITTED HEREWITH**

Applicants respectfully request that the Examiner consider the references cited in the Supplemental Information Disclosure Statements filed May 13, 2002 and May 27, 2003 and return a copy of the PTO-1449 forms indicating that the references have been considered. In addition, Applicants are submitting an additional Supplemental Information Disclosure Statement to be considered, together with the IDS fee of \$180.00.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-27 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,895,454 to Harrington (hereinafter "Harrington"). Applicants respectfully submit that the asserted rejection is improper for at least failing to disclose or suggest each feature recited in the claims. Applicants respectfully request that the rejections be withdrawn.

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As an initial matter, Harrington is at best marginally related to applicants' claimed invention. Harrington appears to disclose a method and apparatus "for effecting electronic commerce." Col. 1, ll. 5-15. Apparently, users may query a database containing information "relating to vendor products, locations, website addresses, price, maps, etc." Col. 4, ll. 10-13. The database search engine 21 then provides "a list of suitable websites which match the users product/service criteria." Col. 4, ll. 14-15. Thus, Harrington appears to disclose a system that enables users to search through websites of various product and service providers and receive a list of the ones that match the search criteria.

In contrast, applicants' claimed invention recites a system for delivering personalized informational content to subscribers. For example, claim 1 recites "subscription means for enabling users to subscribe to one or more services on one or more channel databases." As the examiner notes, Harrington is "somewhat unclear regarding users subscribing to services." Office Action, p. 4. In fact, applicants' respectfully submit that Harrington is unclear with respect to this claimed feature because she does not suggest or disclose user subscription at all.

In addition, applicants respectfully submit that Harrington does not disclose or suggest services as recited in claim 1. Services is defined in the specification as "formatted content that is sent to certain subscribers at a certain frequency or based on the occurrence of a predetermined event, such as an update to a database." Spec. p. 6, ll. 15-17. Harrington, on the other hand, merely discloses services in the context of websites offering "products/services" available for purchase via electronic commerce. See, e.g., col. 4, l. 15 and ll. 27-29.

Furthermore, amended claim 1 recites the feature of "personalization means for enabling users to indicate personalization options relating to the one or more services." Support for this amendment is found at least at specification p. 32, l. 10. Applicants respectfully submit that Harrington does suggest or disclose this feature either.

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Claims 2-27 depend ultimately from claim 1 and, as such, contain the features recited in claim 1. As discussed above, Harrington fails to suggest or disclose each feature recited in claim 1 and, therefore, also fails to suggest or disclose at least these same features in dependent claims 2-27. For at least this reason applicants respectfully submit that the rejections of claims 2-27 are improper and request that they be withdrawn.

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CONCLUSION

It is respectfully submitted that this application is in condition for allowance and such disposition is earnestly solicited. If the Examiner believes that a telephone conference or interview would advance prosecution of this application in any manner, the undersigned stands ready to conduct such a conference at the convenience of the Examiner.

It is believed that no additional fees are due in connection with filing this amendment. However, the Commissioner is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicants also authorize the Commissioner to charge any additional fees to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,



Christopher Cuneo
Registration No. 42,450

Hunton & Williams
1900 K. St., NW
Washington, D.C. 20006-1109
(202) 955-1894

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